

CENTRAL INFORMATION COMMISSION

Room No. 308, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

File No.CIC/LS/A/2011/902758

Appellant : Shri Yash Pal
Respondent : Telecom Regulatory Authority of India
Date of hearing : 29.12.2011
Date of decision: : 29.12.2011

FACTS

The matter is heard today dated 29.12.2011. Appellant not present. TRAI is represented by Shri Saji Abraham, Jt. Adviser, Shri D. P. S. Rajesh, Dy. Adviser and Shri Rajesh Narayan, Section Officer.

2. It is noticed that vide RTI application dated 15.6.2011, the appellant had sought the following information:-

“1. Certified copy of the call details of the following numbers. Call details should include incoming as well as outgoing details. Registration details of the following numbers (name, address, date of activation, etc).

- a) 9210023535 (From April 2006- till date).
- b) 9716682799 (From April 2009- till date).
- c) 011-26215249 (From April 2005- till date)

2. Certified copy of the SMS details (send and received) of the following numbers:-

- a) 9210023535 (From April 2006- till date).
- b) 9716682799 (From April 2009- till date).”

3. Vide letter dated 15th July 2011, the CPIO had refused to disclose any information to the appellant on the ground that he was seeking third party information. The first appeal was dismissed by the AA vide order dated 1st September, 2011.

4. The present appeal is directed against the above orders.

5. During the hearing, Shri Saji Abraham makes the following submissions:-

- (a) that TRAI is not holding this information;
- (b) that even if TRAI were to seek this information from the service providers, the latter cannot disclose this information as they have to maintain confidentiality of information in terms of the license conditions;
- (c) that TRAI has already transferred this matter to DoT as the service providers come under the jurisdiction of DoT; and
- (d) that TRAI has no authority to call for this information from the service providers under the law.

6. We would like to observe that every time an appeal is filed against the orders of the CPIO and AA of TRAI, the TRAI officers present before the Commission repeatedly take the same line as has been enumerated herein above. I would also like to bring on record that these very submissions were made before this Commission by TRAI officers in File No. CIC/DS/C/2010/000332 (Virajoo Kumar vs. TRAI) but this Commission had rejected these submissions and vide order dated 25.10.2010, had directed the CPIO of the TRAI to call for requisite information from the service providers concerned, subject to its availability, and to pass it to the appellant therein. Paras 09 and 10 of the said order are extracted below:-

“9. In view of the above, we are of the opinion that the appellant is legally entitled to seek the information from TRAI u/s 2 (f) of the RTI Act and TRAI is mandated to call for such information from the service provider (Reliance Company in this case) as mentioned hereinabove and furnish the same to the appellant. We, respectfully, disagree with the view taken by other Single Benches of the Commission.

10. Before parting with this matter, we would, however, like to observe that collection, collation and transmission of information by the public authority, or, for that matter, by a private entity, is a costly exercise and puts strain on their resources. The information seeker must seek only that information which he genuinely needs or which is of any use to him. Wanton demand for information is against the spirit of the RTI Act. Given the fact that the appellant has not appeared before the Commission to caonvass his case goes to show that he is not-serious about the matter. Besides, we also find some merit in Shri Abraham’s submission that some of the requested information is already available with the appellant. The appellant is not before the Commission to clarify the position. In the premises, we direct that

information in regard to para 01 only may be provided to the appellant after accessing it from the service provider.”

7. I have no reason to deviate from the ratio of the decision extracted above. The objections raised by the TRAI officers present before the Commission are rejected. The TRAI is hereby directed to write to the service providers concerned in exercise of its powers u/s 12 (1) of the TRAI Act, 1997, and call for the requisite information, of course, subject to its availability with the Service providers, and pass on this information to the appellant herein. In case the service providers inform the CPIO that they are not holding the requested information, the appellant may be informed accordingly.

8. This order may be complied with in 05 weeks time.

9. Before parting with this matter, I would like to add that the Review Petition purported to have been filed by TRAI in Virajoo Kumar case, may be treated as non-est, as the Commission's Regulations do not provide for Review Procedure.

Sd/-
(M.L. Sharma)
Central Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(K.L. Das)
Deputy Registrar

Address of parties :-

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